



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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|---------------------------|---|-------------------|
| In re the application of: |) | Art Unit: 2681 |
| |) | |
| Clifford Kraft |) | Examiner: E. Gary |
| |) | |
| Serial Number: 10/632,406 |) | |
| |) | |
| Filing Date: Aug. 1, 2003 |) | |
| |) | |
| Title: CELLULAR TELEPHONE |) | |
| LOCATION SERVICE |) | |
| |) | |

REPLY BRIEF

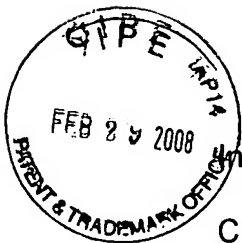
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Date: FEB. 27, 2008

Signature: Clifford Kraft

Name: **Clifford H. Kraft**

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Clifford Kraft

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REPLY BRIEF

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a reply to the Examiner's Answer issued Dec. 28, 2007. The Commissioner is respectfully requested to place this reply before the Board for a decision in this case.

Brief in Reply to the Examiner's Answer

1) The examiner combines Ross with Herle because Herle does not specifically disclose that the mobile telephone handset location is returned to the consumer in relation form by written description and shown on a map (Examiner's Answer p. 4, 2nd paragraph). The examiner states that Ross teaches this limitation in paragraph [0019]. However, that is not the case: Ross paragraph 19 reads as follows:

[0019] As described in greater detail below, an information broker operates a location server coupled to a wireless network and a wireline network, which acquires and processes information indicating locations of mobile communication devices on the wireless network. The information broker provides the processed information to one or more recipients. The processed information may be provided by the information broker to a recipient in exchange for payment, as part of a business transaction. The raw or processed location information may include a history of locations of a mobile communication device and times and durations associated with the locations. The processed information may include graphs or maps of geographic areas in which the mobile devices have been located, movement trends, or other behavioral patterns of mobile users. The processed location data can also be used in performing location-based searches and other location-related applications and for customer analysis, among other uses.

There is no mention in this paragraph or in Ross about a written description. The mention of "raw or processed location information" does not imply that it is a written description as contended by the examiner.

2) The examiner states the Herle was relied upon to teach the following limitation of the applicant's claim (Examiner's Answer p. 8-9).

“wherein a particular consumer, by sending a predetermined message to said telephone service provider, can cause said telephone service provider to locate said mobile telephone handset even when said handset owner has blocked location of said mobile telephone handset.”

The examiner claims that Herle teaches this limitation in paragraph [0036].

However, Herle paragraph [0036] reads:

[0036] Memory 270 also stores encryption-decryption key(s) 282 that are used to access MS current position 281. The use of encryption-decryption keys enables the mobile station to give its location out only to those having authorization from the mobile station user. In an alternate embodiment, passwords or personal identification numbers may be used to keep the location information confidential.

There is no teaching in this paragraph or any other about “sending a predetermined message to the telephone service provider”, and there is no teaching of causing “said telephone service provider to locate said mobile telephone handset even when said handset owner has block location of said mobile telephone handset.”

The applicant contends that the examiner is using Ross and Wilson combined with Herle in a shopping list approach to fill in the gaps that are missing from Herle. First, this is impermissible hindsight, and second, as pointed out by the applicant, the Ross reference fails to fill the missing gap, and the Herle reference contains a gap in teaching that the examiner claims is present.

The applicant continues to contend that the examiner has failed to make out a prima facie case of obviousness and respectfully requests the Board to allow the claims.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Clifford H. Kraft". The signature is fluid and cursive, with the first name "Clifford" being more legible than the last name "Kraft".

Clifford H. Kraft
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Attorney of Record